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2008

SENATE BILL 1031

AN ACT

AMENDING SECTIONS 15-2002 AND 15-2041, ARIZONA REVISED STATUTES; RELATING TO
THE SCHOOL FACILITIES BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-2002, Arizona Revised Statutes, is amended to
3 read:

4 15-2002. Powers and duties: executive director: staffing:
5 report

6 A. The school facilities board shall:

7 1. Make assessments of school facilities and equipment deficiencies
8 and approve the distribution of grants as appropriate.

9 2. Develop a database for administering the building renewal formula
10 prescribed in section 15-2031 and administer the distribution of monies to
11 school districts for building renewal.

12 3. Inspect school buildings at least once every five years to ensure
13 compliance with the building adequacy standards prescribed in section 15-2011
14 and routine preventative maintenance guidelines as prescribed in this section
15 with respect to construction of new buildings and maintenance of existing
16 buildings. The school facilities board shall randomly select twenty school
17 districts every thirty months and inspect them pursuant to this paragraph.

18 4. Review and approve student population projections submitted by
19 school districts to determine to what extent school districts are entitled to
20 monies to construct new facilities pursuant to section 15-2041. The board
21 shall make a final determination within six months of the receipt of an
22 application by a school district for monies from the new school facilities
23 fund.

24 5. Certify that plans for new school facilities meet the building
25 adequacy standards prescribed in section 15-2011.

26 6. Develop prototypical elementary and high school designs. The board
27 shall review the design differences between the schools with the highest
28 academic productivity scores and the schools with the lowest academic
29 productivity scores. The board shall also review the results of a valid and
30 reliable survey of parent quality rating in the highest performing schools
31 and the lowest performing schools in this state. The survey of parent
32 quality rating shall be administered by the department of education. The
33 board shall consider the design elements of the schools with the highest
34 academic productivity scores and parent quality ratings in the development of
35 elementary and high school designs. The board shall develop separate school
36 designs for elementary, middle and high schools with varying pupil
37 capacities.

38 7. Develop application forms, reporting forms and procedures to carry
39 out the requirements of this article.

40 8. Review and approve or reject requests submitted by school districts
41 to take actions pursuant to section 15-341, subsection F.

42 9. Submit an annual report by December 15 to the speaker of the house
43 of representatives, the president of the senate, the superintendent of public
44 instruction, the director of the Arizona state library, archives and public
45 records and the governor that includes the following information:

1 (a) A detailed description of the amount of monies distributed by the
2 school facilities board in the previous fiscal year.

3 (b) A list of each capital project that received monies from the
4 school facilities board during the previous fiscal year, a brief description
5 of each project that was funded and a summary of the board's reasons for the
6 distribution of monies for the project.

7 (c) A summary of the findings and conclusions of the building
8 maintenance inspections conducted pursuant to this article during the
9 previous fiscal year.

10 (d) A summary of the findings of common design elements and
11 characteristics of the highest performing schools and the lowest performing
12 schools based on academic productivity including the results of the parent
13 quality rating survey. For the purposes of this subdivision, "academic
14 productivity" means academic year advancement per calendar year as measured
15 with student-level data using the statewide nationally standardized
16 norm-referenced achievement test.

17 10. By December 1 of each year, report to the joint committee on
18 capital review the amounts necessary to fulfill the requirements of sections
19 15-2022, 15-2031 and 15-2041 for the following fiscal year and the estimated
20 amounts necessary to fulfill the requirements of sections 15-2022, 15-2031
21 and 15-2041 for the fiscal year following the next fiscal year. The board
22 shall provide copies of the report to the president of the senate, the
23 speaker of the house of representatives and the governor.

24 11. Adopt minimum school facility adequacy guidelines to provide the
25 minimum quality and quantity of school buildings and the facilities and
26 equipment necessary and appropriate to enable pupils to achieve the
27 educational goals of the Arizona state schools for the deaf and the blind.
28 The school facilities board shall establish minimum school facility adequacy
29 guidelines applicable to the Arizona state schools for the deaf and the
30 blind.

31 12. In each even-numbered year, report to the joint committee on
32 capital review the amounts necessary to fulfill the requirements of sections
33 15-2031 and 15-2041 for the Arizona state schools for the deaf and the blind
34 for the following two fiscal years. The Arizona state schools for the deaf
35 and the blind shall incorporate the findings of the report in any request for
36 building renewal monies and new school facilities monies. Any monies
37 provided to the Arizona state schools for the deaf and the blind for building
38 renewal and for new school facilities are subject to legislative
39 appropriation.

40 13. By June 15 of each year, submit detailed information regarding
41 demographic assumptions, a proposed construction schedule and new school
42 construction cost estimates for individual projects approved in the current
43 fiscal year and expected project approvals for the upcoming fiscal year to
44 the joint committee on capital review for its review. A copy of the report
45 shall also be submitted to the governor's office of strategic planning and

1 budgeting. The joint legislative budget committee staff, the governor's
2 office of strategic planning and budgeting staff and the school facilities
3 board staff shall agree on the format of the report.

4 14. Every two years, provide school districts with information on
5 improving and maintaining the indoor environmental quality in school
6 buildings.

7 B. The school facilities board may contract for ~~private~~ THE FOLLOWING
8 services in compliance with the procurement practices prescribed in title 41,
9 chapter 23: —

- 10 1. PRIVATE SERVICES.
11 2. CONSTRUCTION PROJECT MANAGEMENT SERVICES.
12 3. ASSESSMENTS FOR SCHOOL BUILDINGS TO DETERMINE IF THEY HAVE OUTLIVED
13 THEIR USEFUL LIFE PURSUANT TO SECTION 15-2041, SUBSECTION G.
14 4. SERVICES RELATED TO LAND ACQUISITION AND DEVELOPMENT OF A SCHOOL
15 SITE.

16 C. The governor shall appoint an executive director of the school
17 facilities board pursuant to section 38-211. The executive director is
18 eligible to receive compensation as determined pursuant to section 38-611 and
19 may hire and fire necessary staff as approved by the legislature in the
20 budget. The executive director shall have demonstrated competency in school
21 finance, facilities design or facilities management, either in private
22 business or government service. The executive director serves at the
23 pleasure of the governor. The staff of the school facilities board is exempt
24 from title 41, chapter 4, articles 5 and 6. The executive director:

25 1. Shall analyze applications for monies submitted to the board by
26 school districts.

27 2. Shall assist the board in developing forms and procedures for the
28 distribution and review of applications and the distribution of monies to
29 school districts.

30 3. May review or audit, or both, the expenditure of monies by a school
31 district for deficiencies corrections, building renewal and new school
32 facilities.

33 4. Shall assist the board in the preparation of the board's annual
34 report.

35 5. Shall research and provide reports on issues of general interest to
36 the board.

37 6. May aid school districts in the development of reasonable and
38 cost-effective school designs in order to avoid statewide duplicated efforts
39 and unwarranted expenditures in the area of school design.

40 7. May assist school districts in facilitating the development of
41 multijurisdictional facilities.

42 8. Shall assist the board in any other appropriate matter or method as
43 directed by the members of the board.

1 9. Shall establish procedures to ensure compliance with the notice and
2 hearing requirements prescribed in section 15-905. The notice and hearing
3 procedures adopted by the board shall include the requirement, with respect
4 to the board's consideration of any application filed after July 1, 2001 or
5 after December 31 of the year in which the property becomes territory in the
6 vicinity of a military airport or ancillary military facility as defined in
7 section 28-8461 for monies to fund the construction of new school facilities
8 proposed to be located in territory in the vicinity of a military airport or
9 ancillary military facility, that the military airport receive notification
10 of the application by first class mail at least thirty days before any
11 hearing concerning the application.

12 10. May expedite any request for monies in which the local match was
13 not obtained for a project that received preliminary approval by the state
14 board for school capital facilities.

15 11. Shall expedite any request for monies in which the school district
16 governing board submits an application that shows an immediate need for a new
17 school facility.

18 12. Shall make a determination as to administrative completion within
19 one month after the receipt of an application by a school district for monies
20 from the new school facilities fund.

21 13. Shall provide technical support to school districts as requested by
22 school districts in connection with the construction of new school facilities
23 and the maintenance of existing school facilities AND MAY CONTRACT DIRECTLY
24 WITH CONSTRUCTION PROJECT MANAGERS PURSUANT TO SUBSECTION B OF THIS SECTION.
25 THIS PARAGRAPH DOES NOT RESTRICT A SCHOOL DISTRICT FROM CONTRACTING WITH A
26 CONSTRUCTION PROJECT MANAGER USING DISTRICT OR STATE RESOURCES.

27 D. When appropriate, the school facilities board shall review and use
28 the statewide school facilities inventory and needs assessment conducted by
29 the joint committee on capital review and issued in July, 1995.

30 E. The school facilities board shall contract with one or more private
31 building inspectors to complete an initial assessment of school facilities
32 and equipment and shall inspect each school building in this state at least
33 once every five years to ensure compliance with section 15-2011. A copy of
34 the inspection report, together with any recommendations for building
35 maintenance, shall be provided to the school facilities board and the
36 governing board of the school district.

37 F. The school facilities board may consider appropriate combinations
38 of facilities or uses in making assessments of and curing deficiencies
39 pursuant to subsection A, paragraph 1 of this section and in certifying plans
40 for new school facilities pursuant to subsection A, paragraph 5 of this
41 section.

42 G. The board shall not award any monies to fund new facilities that
43 are financed by class A bonds that are issued by the school district.

1 H. The board shall not distribute monies to a school district for
2 replacement or repair of facilities if the costs associated with the
3 replacement or repair are covered by insurance or a performance or payment
4 bond.

5 I. The board may contract for construction services and materials that
6 are necessary to correct existing deficiencies in school district facilities.
7 The board may procure the construction services necessary pursuant to this
8 subsection by any method including construction-manager-at-risk,
9 design-build, design-bid-build or job-order-contracting as provided by title
10 41, chapter 23. The construction planning and services performed pursuant to
11 this subsection are exempt from section 41-791.01.

12 J. The school facilities board may enter into agreements with school
13 districts to allow school facilities board staff and contractors access to
14 school property for the purposes of performing the construction services
15 necessary pursuant to subsection I of this section.

16 K. Each school district shall develop routine preventative maintenance
17 guidelines for its facilities. The guidelines shall be submitted to the
18 school facilities board for review and approval. If upon inspection by the
19 school facilities board it is determined that a school district facility was
20 inadequately maintained pursuant to the school district's routine
21 preventative maintenance guidelines, the school district shall use building
22 renewal monies pursuant to section 15-2031, subsection L to return the
23 building to compliance with the school district's routine preventative
24 maintenance guidelines. Once the district is in compliance, it no longer is
25 required to use building renewal monies for preventative maintenance.

26 L. The school facilities board may temporarily transfer monies between
27 the capital reserve fund established by section 15-2003, the emergency
28 deficiencies correction fund established by section 15-2022, the building
29 renewal fund established by section 15-2031 and the new school facilities
30 fund established by section 15-2041 if all of the following conditions are
31 met:

32 1. The transfer is necessary to avoid a temporary shortfall in the
33 fund into which the monies are transferred.

34 2. The transferred monies are restored to the fund where the monies
35 originated as soon as practicable after the temporary shortfall in the other
36 fund has been addressed.

37 3. The school facilities board reports to the joint committee on
38 capital review the amount of and the reason for any monies transferred.

39 Sec. 2. Section 15-2041, Arizona Revised Statutes, is amended to read:
40 15-2041. New school facilities fund; capital plan; report

41 A. A new school facilities fund is established consisting of monies
42 appropriated by the legislature and monies credited to the fund pursuant to
43 section 37-221. The school facilities board shall administer the fund and
44 distribute monies, as a continuing appropriation, to school districts for the
45 purpose of constructing new school facilities **AND FOR CONTRACTED EXPENSES**

1 PURSUANT TO SECTION 15-2002, SUBSECTION B, PARAGRAPHS 2, 3 AND 4. On June 30
2 of each fiscal year, any unobligated contract monies in the new school
3 facilities fund shall be transferred to the capital reserve fund established
4 by section 15-2003.

5 B. The school facilities board shall prescribe a uniform format for
6 use by the school district governing board in developing and annually
7 updating a capital plan that consists of each of the following:

8 1. Enrollment projections for the next five years for elementary
9 schools and eight years for middle and high schools, including a description
10 of the methods used to make the projections.

11 2. A description of new schools or additions to existing schools
12 needed to meet the building adequacy standards prescribed in section 15-2011.
13 The description shall include:

14 (a) The grade levels and the total number of pupils that the school or
15 addition is intended to serve.

16 (b) The year in which it is necessary for the school or addition to
17 begin operations.

18 (c) A timeline that shows the planning and construction process for
19 the school or addition.

20 3. Long-term projections of the need for land for new schools.

21 4. Any other necessary information required by the school facilities
22 board to evaluate a school district's capital plan.

23 5. If a school district pays tuition for all or a portion of the
24 school district's high school pupils to another school district, the capital
25 plan shall indicate the number of pupils for which the district pays tuition
26 to another district. If a school district accepts pupils from another school
27 district pursuant to section 15-824, subsection A, the school district shall
28 indicate the projections for this population separately. This paragraph does
29 not apply to a small isolated school district as defined in section 15-901.

30 C. If the capital plan indicates a need for a new school or an
31 addition to an existing school within the next four years or a need for land
32 within the next ten years, the school district shall submit its plan to the
33 school facilities board by September 1 and shall request monies from the new
34 school facilities fund for the new construction or land. Monies provided for
35 land shall be in addition to any monies provided pursuant to subsection D of
36 this section.

37 D. The school facilities board shall distribute monies from the new
38 school facilities fund as follows:

39 1. The school facilities board shall review and evaluate the
40 enrollment projections and either approve the projections as submitted or
41 revise the projections. In determining new construction requirements, the
42 school facilities board shall determine the net new growth of pupils that
43 will require additional square footage that exceeds the building adequacy
44 standards prescribed in section 15-2011. If the projected growth and the
45 existing number of pupils exceeds three hundred fifty pupils who are served

1 in a school district other than the pupil's resident school district, the
2 school facilities board, the receiving school district and the resident
3 school district shall develop a capital facilities plan on how to best serve
4 those pupils. A small isolated school district as defined in section 15-901
5 is not required to develop a capital facilities plan pursuant to this
6 paragraph.

7 2. If the approved projections indicate that additional space will not
8 be needed within the next two years for elementary schools or three years for
9 middle or high schools in order to meet the building adequacy standards
10 prescribed in section 15-2011, the request shall be held for consideration by
11 the school facilities board for possible future funding and the school
12 district shall annually submit an updated plan until the additional space is
13 needed.

14 3. If the approved projections indicate that additional space will be
15 needed within the next two years for elementary schools or three years for
16 middle or high schools in order to meet the building adequacy standards
17 prescribed in section 15-2011, the school facilities board shall provide an
18 amount as follows:

19 (a) Determine the number of pupils requiring additional square footage
20 to meet building adequacy standards. This amount for elementary schools
21 shall not be less than the number of new pupils for whom space will be needed
22 in the next year and shall not exceed the number of new pupils for whom space
23 will be needed in the next five years. This amount for middle and high
24 schools shall not be less than the number of new pupils for whom space will
25 be needed in the next four years and shall not exceed the number of new
26 pupils for whom space will be needed in the next eight years.

27 (b) Multiply the number of pupils determined in subdivision (a) of
28 this paragraph by the square footage per pupil. The square footage per pupil
29 is ninety square feet per pupil for preschool children with disabilities,
30 kindergarten programs and grades one through six, one hundred square feet for
31 grades seven and eight, one hundred thirty-four square feet for a school
32 district that provides instruction in grades nine through twelve for fewer
33 than one thousand eight hundred pupils and one hundred twenty-five square
34 feet for a school district that provides instruction in grades nine through
35 twelve for at least one thousand eight hundred pupils. The total number of
36 pupils in grades nine through twelve in the district shall determine the
37 square footage factor to use for net new pupils. The school facilities board
38 may modify the square footage requirements prescribed in this subdivision for
39 particular schools based on any of the following factors:

40 (i) The number of pupils served or projected to be served by the
41 school district.

42 (ii) Geographic factors.

43 (iii) Grade configurations other than those prescribed in this
44 subdivision.

1 (iv) Compliance with minimum school facility adequacy requirements
2 established pursuant to section 15-2011.

3 (c) Multiply the product obtained in subdivision (b) of this paragraph
4 by the cost per square foot. The cost per square foot is ninety dollars for
5 preschool children with disabilities, kindergarten programs and grades one
6 through six, ninety-five dollars for grades seven and eight and one hundred
7 ten dollars for grades nine through twelve. The cost per square foot shall
8 be adjusted annually for construction market considerations based on an index
9 identified or developed by the joint legislative budget committee as
10 necessary but not less than once each year. The school facilities board
11 shall multiply the cost per square foot by 1.05 for any school district
12 located in a rural area. The school facilities board may modify the base
13 cost per square foot prescribed in this subdivision for particular schools
14 based on geographic conditions or site conditions. For the purposes of this
15 subdivision, "rural area" means an area outside a thirty-five mile radius of
16 a boundary of a municipality with a population of more than fifty thousand
17 persons.

18 (d) Once the school district governing board obtains approval from the
19 school facilities board for new facility construction funds, additional
20 portable or modular square footage created for the express purpose of
21 providing temporary space for pupils until the completion of the new facility
22 shall not be included by the school facilities board for the purpose of new
23 construction funding calculations. On completion of the new facility
24 construction project, if the portable or modular facilities continue in use,
25 the portable or modular facilities shall be included as prescribed by this
26 chapter, unless the school facilities board approves their continued use for
27 the purpose of providing temporary space for pupils until the completion of
28 the next new facility that has been approved for funding from the new school
29 facilities fund.

30 4. For projects approved after December 31, 2001, and notwithstanding
31 paragraph 3 of this subsection, a unified school district that does not have
32 a high school is not eligible to receive high school space as prescribed by
33 section 15-2011 and this section unless the unified district qualifies for
34 geographic factors prescribed by paragraph 3, subdivision (b), item (ii) of
35 this subsection.

36 E. Monies for architectural and engineering fees, project management
37 services and preconstruction services shall be distributed on the completion
38 of the analysis by the school facilities board of the school district's
39 request. After receiving monies pursuant to this subsection, the school
40 district shall submit a design development plan for the school or addition to
41 the school facilities board before any monies for construction are
42 distributed. If the school district's request meets the building adequacy
43 standards, the school facilities board may review and comment on the
44 district's plan with respect to the efficiency and effectiveness of the plan
45 in meeting state square footage and facility standards before distributing

1 the remainder of the monies. If the school facilities board modifies the
2 cost per square foot as prescribed in subsection D, paragraph 3, subdivision
3 (c), the school facilities board may deduct the cost of project management
4 services and preconstruction services from the required cost per square
5 foot. The school facilities board may decline to fund the project if the
6 square footage is no longer required due to revised enrollment projections.

7 F. The school facilities board shall distribute the monies needed for
8 land for new schools so that land may be purchased at a price that is less
9 than or equal to fair market value and in advance of the construction of the
10 new school. If necessary, the school facilities board may distribute monies
11 for land to be leased for new schools if the duration of the lease exceeds
12 the life expectancy of the school facility by at least fifty per cent. The
13 proceeds derived through the sale of any land purchased or partially
14 purchased with monies provided by the school facilities board shall be
15 returned to the state fund from which it was appropriated and to any other
16 participating entity on a proportional basis. Except as provided in section
17 15-342, paragraph 33, if a school district acquires real property by donation
18 at an appropriate school site approved by the school facilities board, the
19 school facilities board shall distribute an amount equal to twenty per cent
20 of the fair market value of the donated real property that can be used for
21 academic purposes. The school district shall place the monies in the
22 unrestricted capital outlay fund and increase the unrestricted capital budget
23 limit by the amount of monies placed in the fund. Monies distributed under
24 this subsection shall be distributed from the new school facilities fund. A
25 school district that receives monies from the new school facilities fund for
26 a donation of land pursuant to section 15-342, paragraph 33 shall not receive
27 monies from the school facilities board for the donation of real property
28 pursuant to this subsection. A school district shall not pay a consultant a
29 percentage of the value of any of the following:

30 1. Donations of real property, services or cash from any of the
31 following:

32 (a) Entities that have offered to provide construction services to the
33 school district.

34 (b) Entities that have been contracted to provide construction
35 services to the school district.

36 (c) Entities that build residential units in that school district.

37 (d) Entities that develop land for residential use in that school
38 district.

39 2. Monies received from the school facilities board on behalf of the
40 school district.

41 3. Monies paid by the school facilities board on behalf of the school
42 district.

43 G. In addition to distributions to school districts based on pupil
44 growth projections, a school district may submit an application to the school
45 facilities board for monies from the new school facilities fund if one or

1 more school buildings have outlived their useful life. If the school
2 facilities board determines that the school district needs to build a new
3 school building for these reasons, the school facilities board shall remove
4 the square footage computations that represent the building from the
5 computation of the school district's total square footage for purposes of
6 this section. If the square footage recomputation reflects that the school
7 district no longer meets building adequacy standards, the school district
8 qualifies for a distribution of monies from the new school construction
9 formula in an amount determined pursuant to subsection D of this section.
10 Buildings removed from a school district's total square footage pursuant to
11 this subsection shall not be included in the computation of monies from the
12 building renewal fund established by section 15-2031. The school facilities
13 board may modify the base cost per square foot prescribed in this subsection
14 under extraordinary circumstances for geographic factors or site conditions.

15 H. School districts that receive monies from the new school facilities
16 fund shall establish a district new school facilities fund and shall use the
17 monies in the district new school facilities fund only for the purposes
18 prescribed in this section. By October 15 of each year, each school district
19 shall report to the school facilities board the projects funded at each
20 school in the previous fiscal year with monies from the district new school
21 facilities fund and shall provide an accounting of the monies remaining in
22 the new school facilities fund at the end of the previous fiscal year.

23 I. If a school district has surplus monies received from the new
24 school facilities fund, the school district may use the surplus monies only
25 for capital purposes for the project for up to one year after completion of
26 the project. If the school district possesses surplus monies from the new
27 school construction project that have not been expended within one year of
28 the completion of the project, the school district shall return the surplus
29 monies to the school facilities board for deposit in the new school
30 facilities fund.

31 J. The board's consideration of any application filed after July 1,
32 2001 or after December 31 of the year in which the property becomes territory
33 in the vicinity of a military airport or ancillary military facility as
34 defined in section 28-8461 for monies to fund the construction of new school
35 facilities proposed to be located in territory in the vicinity of a military
36 airport or ancillary military facility shall include, if after notice is
37 transmitted to the military airport pursuant to section 15-2002 and before
38 the public hearing the military airport provides comments and analysis
39 concerning compatibility of the proposed school facilities with the high
40 noise or accident potential generated by military airport or ancillary
41 military facility operations that may have an adverse effect on public health
42 and safety, consideration and analysis of the comments and analysis provided
43 by the military airport before making a final determination.

1 K. If a school district uses its own project manager for new school
2 construction, the members of the school district governing board and the
3 project manager shall sign an affidavit stating that the members and the
4 project manager understand and will follow the minimum adequacy requirements
5 prescribed in section 15-2011.

6 L. The school facilities board shall establish a separate account in
7 the new school facilities fund designated as the litigation account to pay
8 attorney fees, expert witness fees and other costs associated with litigation
9 in which the school facilities board pursues the recovery of damages for
10 deficiencies correction that resulted from alleged construction defects or
11 design defects that the school facilities board believes caused or
12 contributed to a failure of the school building to conform to the building
13 adequacy requirements prescribed in section 15-2011. Attorney fees paid
14 pursuant to this subsection shall not exceed the market rate for similar
15 types of litigation. Monies recovered as damages pursuant to this subsection
16 shall be used to offset debt service on the correction of existing
17 deficiencies ~~as prescribed by section 15-2021~~. The joint committee on
18 capital review shall conduct an annual review of the litigation account,
19 including the costs associated with current and potential litigation.

20 M. Until the state board of education and the auditor general adopt
21 rules pursuant to section 15-213, subsection I, the school facilities board
22 may allow school districts to contract for construction services and
23 materials through the qualified select bidders list method of project
24 delivery for new school facilities pursuant to this section.

25 N. The school facilities board shall submit a report on project
26 management services and preconstruction services to the governor, the
27 president of the senate and the speaker of the house of representatives by
28 December 31 of each year. The report shall compare projects that use project
29 management and preconstruction services with those that do not. The report
30 shall address cost, schedule and other measurable components of a
31 construction project. School districts, construction manager at risk firms
32 and project management firms that participate in a school facilities board
33 funded project shall provide the information required by the school
34 facilities board in relation to this report.

35 O. If a school district constructs new square footage according to
36 section 15-342, paragraph 33, the school facilities board shall review design
37 plans and location of any new school facility submitted by school districts
38 and another party to determine whether the design plans comply with the
39 adequacy standards prescribed in section 15-2011 and the square footage per
40 pupil requirements pursuant to subsection D, paragraph 3, subdivision (b) of
41 this section. When the school district qualifies for a distribution of
42 monies from the new school facilities fund according to this section, the
43 school facilities board shall distribute monies to the school district from
44 the new school facilities fund for the square footage constructed under
45 section 15-342, paragraph 33 at the same cost per square foot established by

1 this section that was in effect at the time of the beginning of the
2 construction of the school facility. Before the school facilities board
3 distributes any monies pursuant to this subsection, the school district shall
4 demonstrate to the school facilities board that the facilities to be funded
5 pursuant to this section meet the minimum adequacy standards prescribed in
6 section 15-2011. The agreement entered into pursuant to section 15-342,
7 paragraph 33 shall set forth the procedures for the allocation of these funds
8 to the parties that participated in the agreement.